HIGH COURT OF UTTARANCHAL AT NAINITAL

Modification Application No. 2272 of 2006

IN

Writ Petition No. 177 of 2006 (SS)

Par Singh ..... Petitioner

Versus

State of Uttaranchal & others ..... Respondents

Dated: 4.3.2006

Hon'ble Rajesh Tandon, J.

Application by the petitioner for modification of the order passed on 20.2.2006.

The petitioner apprehends that the respondents may reject the candidature of the petitioner for appointment on the post of Shiksha Mitra. He prayed that the order may suitably modified and the respondents may be directed to consider the candidature of the petitioner for appointment on the post of Shiksha Mitra in village Sutol, District Chamoli.

The application is allowed. The respondents are directed to consider the candidature of the petitioner for his appointment on the post of Shiksha Mitra in the Primary School of Village Panchayat, Sutol after obtaining recommendation from the Village Education Committee, Sutol, District Chamoli.

Order passed on 20.2.2006 shall stand modified accordingly.

Rajesh Tandon J.

Dated: 4.3.2006
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HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 177/2006 (S/S)

Par Singh S/o Sri Kheem Singh

Vs.

State of Uttaranchal
Director as Education Dehradun.

Approved for reporting.

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Not approved for reporting

Date of decision- 20.02.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 177 of 2006 (S/S)

Par Singh, S/o Sri Kheem Singh, R/o Village Sutol, Patti Nandak, Block Ghat, District Chamoli.

.... Petitioner.

Versus

1. State of Uttaranchal through Director of Education Uttaranchal Sashan, Dehradun.
2. Basic Education Officer District Chamoli.
3. Block Education Officer, District Chamoli.
4. Village Education Committee Sutol, Block Ghat, District Chamoli.

.... Respondents.

Sri H.M. Raturi, learned counsel for the petitioner.
Learned Standing counsel for respondents.

HON'BLE RAJESH TANDON, J.

20.02.2006.

Heard Sri H.M. Raturi, learned counsel for the petitioner and learned Standing counsel for the respondents.

The petitioner has prayed for a writ of mandamus commanding the respondents to consider the candidature of the petitioner for the post of Shiksha Mitra. The challenge of the petitioner is that in view of condition no. 3 framed on 16-1-2004 for the appointment of the Shiksha Mitra to the effect that in case the candidates are not available in the Gram Sabha, the candidate from Vikas Khand may also be

considered, will cause prejudice to the petitioner in consideration of his appointment. The petitioner has submitted that he is a resident of Gram Sabha Sutol district Chamoli Garhwal and is an unemployed youth of the village. He has referred the Government Order dated 16-1-2004. The Government Order dated 16-1-2004 is quoted below:

"1. शिक्षा मित्र की व्यवस्था शासनादेश संख्या 472/ मा0स0वि0/ 9.1.89. 2000/ दि0 27.1.2001 संख्या 134/मा0स0वि0/2001 दि0 21.4.2001 सख्या 17/वे.शि0/2..4 दि0 16.1.2004 तथा संख्या 230/33–1 1/2005–15–2004 दिनाक19/4/2005 एवं निदेशालय के पत्राक वे0/13918–19/2005–06/दिनॉक 16–7–2005 एव पत्र संख्या बेसिक/14648–73/2005–06/दिनॉक 20.7.2005 में निहित प्राविधानों के अर्न्तगत की जायेगी।''

However the petitioner apprehends that in view of clause 7 of the advertisement dated 12-8-2005, the petitioner shall not be considered for appointment. It reads as under:

"शिक्षा मित्रों का चयन ग्राम सभा अथवा ग्राम पंचायत की सीमा के अन्दर ही किया जायेगा। ग्राम सभा/ ग्राम पंचायत में प्रशिक्षित अभ्यर्थी न मिलने पर विकास खण्ड के उपयुक्त अभ्यर्थी से, विकास खण्ड के अर्न्तगत प्रशिक्षित अभ्यर्थी उपलब्ध न होने की दशा में ग्राम पंचायत में उपलब्ध स्नातक अभ्यर्थी से तथा यदि ग्राम पंचायत में स्नातक अभ्यर्थी भी उपलब्ध न हो तो विकासखण्ड स्तर पर उपलब्ध अभ्यर्थी (जिन्होने आवेदन किया है) से व्यवस्था की जोयगी।''

Heard the standing counsel for the State. Standing counsel has submitted that when there is a clear provision that the candidates from the Gram Sabha shall be considered therefore, clause 7 with regard to out side the Gram Sabha is only the optional in case trained graduates are not available. So far as training part is concerned the same is also provided in rule 12. The same is quoted below:

"12. जिस विद्यालयों में शिक्षा मित्र की आवश्यकता हो, उस विद्यालय की शिक्षा समिति द्वारा विकास खण्ड स्तर पर – अथ्यार्थियों में से अपने विद्यालय के लिये शिक्षा मित्रों को आमंत्रित कर एक माह का प्रशिक्षण, जिसकी व्यवस्था जिला शिक्षा एवं प्रशिक्षण संस्थान द्वारा की जायेगी 10 माह के लिये रू0 3430/– प्रतिमाह मानदेय पर कार्य लिया जायेगा ।''

The apprehension of the petitioner therefore, is not true. The petitioner shall be considered along with other candidates for the appointment of Shiksha Mitra. The respondents are, therefore, directed to proceed for the appointment of the Shiksha Mitra in view of the Government Order dated 16-1-2004.

In view of aforesaid, the respondents are directed to consider the candidature of the petitioner in accordance with the Rules framed for appointment of Shiksha Mitra.

Subject to aforesaid observations, the writ petition is disposed of. No order as to costs.

(Rajesh Tondon. J)

20-02-2006
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